

REMARKS/ARGUMENTS

Appellant thanks the Examiner for the Examiner's answer to the arguments presented in the Appeal Brief. However, Appellant disagrees with the Examiner's characterization of the arguments and submits a brief summary of the Appellant's position with respect to independent claims 1 and 21.

Specifically, the Appellant maintains that the Examiner has failed to consider the claim elements in their entirety and has omitted features of the claims when mapping the elements recited in the claims to the cited prior art of reference.

In accordance with MPEP 2143.03 All claim limitations must be considered: Specifically:

"All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Appellant respectfully submits that the Examiner has ignored portions of the claims when judging the patentability against the prior art. Appellant summarizes this position with reference to at least one common feature of claims 1 and 21.

Appellant respectfully submits that claims 1 and 21 share at least one common feature, namely that the peripheral device has an integral charging contact which is in direct physical and electrical contact with the mobile device so as to permit the mobile device to charge the battery in the peripheral device. For clarity, the appropriate portions of claims 1 and 21 are recited below (emphasis added):

Claim 1: "...such that a charging contact integral with the peripheral device is in direct physical and electrical contact with the mobile device retained in the sleeve so as to permit the mobile device to charge a battery in the peripheral device..."

Claim 21: "...an integral charging contact for providing a charge to the battery when placed in direct physical and electrical contact with a charging port of the mobile device so as to permit the mobile device to charge the battery in the peripheral device."

With respect to claim 21, the Examiner is completely silent on the feature that the battery of the peripheral device is charged directly by a mobile device through "an integral charging contact (of the peripheral device) for providing a charge to the battery when placed in direct physical and electrical contact with a charging port of the mobile device so as to permit the mobile device to charge the battery in the peripheral device" as recited in claim 21.

As submitted in the Appeal Brief, Christal does not teach that the battery in the mobile device can be used to charge the battery of the peripheral device. The Examiner admits to this fact and has previously stated that "Christal fails to disclose to permit the mobile device to charge a battery in the peripheral device" (see Final Action dated December 13, 2007, at pages 3-4, emphasis added).

Appellant respectfully submits that, Christal fails to disclose all the features recited in claim 21 and hence, cannot anticipate claim 21.

With respect to claim 1, Appellant respectfully submits that the Examiner has focussed on how the battery of the peripheral device is recharged, without having regard to all of the features as recited in claim 1.

In fact, in supporting the rejection, the Examiner has stated what the Appellant believes to be a distinguishing feature of claim 1 over Christal: "Clearly the average layman would understand that the disclosure for Christal which teaches the electrical connection of the peripheral device 3 [...] in order to enable the batteries to be recharged by a charger" (see Examiner's Answer at page 15, emphasis added). Nowhere does Christal teach that the battery of the peripheral device is recharged by the mobile device (in fact, the opposite is taught – i.e., the use of an external charger). Thus, Christal is clearly deficient in this regard.

Kim teaches that the battery in the peripheral can be charged by the battery in the mobile phone. However, Kim teaches that this connection is via "connector (30)". Kim clearly teaches that the two devices are separate and only connected via the connector. Kim does not, therefore, teach that the integral charging contact of the peripheral device is in direct physical and electrical contact with the mobile device.

Appellant reiterates that neither Christal nor Kim teach, alone or in combination, an integral charging contact which is in direct physical and electrical contact with the mobile device so as to permit the mobile device to charge the battery in the peripheral device. Thus, Christal and Kim cannot render claim 1 obvious.

Appellant notes that there is a typographical error in the Appeal Brief at page 17, line 1. Reference is made to claim 12, when in fact, it should read claim 1. The arguments presented at pages 16-18 are under the heading Claim 1 and conclude with a summary of the Appellant's position with respect to independent claim 1 and its dependent claims. The error is clear on its face and does not take away from the Appellant's remarks with respect to claim 1 and the cited prior art. The Examiner's statement that "Appellant seems to bounce around and argue claims 1, 12, dependent claims 2, 6-9 and 20 and then jumping to claim 10" (at page 15 of the Examiner's Answer) merely supports Appellant's position that the examination of this application has been superficial and that this application has not received substantive examination on its merit.

In conclusion, Appellant reiterates that the Examiner has failed to consider the claim elements in their entirety and has omitted features of the claims when mapping the elements recited in the claims to the cited prior art of reference during prosecution of this application and continues to do so during this appeal process.

Appellant respectfully requests that the Board enter a decision overturning the Examiner's rejections of all pending claims, and holding that the claims are not anticipated and are not rendered obvious by the prior art of record.

Respectfully submitted,

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